

**“DRAFT” STATEMENT OF REASONS**  
**[THURROCK BOROUGH COUNCIL (GRAYS SOUTH PEDESTRIAN RAIL**  
**CROSSING) COMPULSORY PURCHASE ORDER 2021]**  
**S226 TOWN AND COUNTRY PLANNING ACT 1990**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**THE ACQUISITION OF LAND ACT 1981**

**1 INTRODUCTION**

- 1.1 This document is the Statement of Reasons (“Statement”) of Thurrock Borough Council (the ‘Council’) for the making of a compulsory purchase order entitled [the Thurrock Borough Council (Grays South Pedestrian Rail Crossing) Compulsory Purchase Order 2021] (the ‘CPO’). In this Statement of reasons, the land included in the CPO is referred to as the Order Land.
- 1.2 [The Council **has made/intends to make** the CPO under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976.]
- 1.3 This Statement has been prepared on behalf of the Council in accordance with the Department for Communities and Local Government Guidance on Compulsory Purchase process and the Crichel Down Rules published 29 October 2015 (the ‘Guidance’) (as amended) to explain the reasons and justifications for making the CPO.
- 1.4 The purpose of the CPO is to facilitate the construction of a new pedestrian rail and road underpass to replace the existing level railway and pelican crossings on Grays High Street, together with the creation of new/enhanced public realm and modern commercial and residential units (“CPO Scheme”).
- 1.5 If confirmed, the CPO will enable the Council to acquire compulsorily the land included in the Order (the ‘Order Land’) and shown on the Order Map to facilitate the CPO Scheme described in paragraphs [ ] to [ ] of this Statement.

**2 ENABLING POWERS**

- 2.1 Section 226(1)(a) of the Town and Country Planning Act 1990 Act (as amended by the 2004 Act) (the ‘1990 Act’) enables a local authority to make a compulsory purchase order if it thinks that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired.

- 2.2 Section 226 (1) (a) of the 1990 Act states that a local authority must not exercise its powers under section 226 (1) (a) unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area.
- 2.3 Section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 (“LG(MP)A 1976”) allows a local authority, where permitted to compulsorily acquire land for any purpose, to purchase compulsorily for that purpose such new rights over land as are specified in the order.
- 2.4 The Council is satisfied that the proposed CPO scheme will result in social, economic and environmental well-being improvements to the area through redevelopment of the Order Land with a development providing a safer pedestrian rail crossing together with enhanced public realm and modern commercial and residential units.
- 2.5 The CPO will enable the regeneration of the area to take place over a managed period of time and with certainty for the overall site assembly and ultimately the delivery of the scheme. The use of CPO powers is considered by the Council to be justified and in the public interest.
- 2.6 [The CPO includes plots of land in which new rights are sought, as set out in the Schedule to the Order and [shown in blue] on the Order Map.]
- 2.7 The Acquisition of Land Act 1981 (“ALA 1981”) sets out the process for compulsory acquisition and applies to the Order, and the acquiring authority is the Council.
- 2.8 The making of the Order is consistent with the directions provided in the Guidance, and in particular: Section 1 which provides advice on orders made under section 226 of the 1990 Act.

### **3 DESCRIPTION OF ORDER LAND**

#### **General description and character**

- 3.1 The Order Land comprises an area of [ ] ha and is located within Grays Town Centre adjacent to and including the High Street (north and south) of the current pedestrian level crossing near Grays train station as shown on the Order Map attached at [Appendix 1].
- 3.2 The main town centre uses (comprising a shopping centre, major supermarket, small scale retail and business uses) are concentrated to the North of the railway line. However, the southern side of the railway line hosts important civic functions such as the Council Offices, the South Essex College Thurrock

Campus and the Beehive Voluntary Community Resource Centre as well as important open space in Kilverts Field and Grays Beach Park and the Thames riverfront.

- 3.3 The Order Land includes a [ ] metre section of the High Street which is severed by the railway line and pedestrian level crossing. This adversely affects the permeability and connectivity between northern and southern sections of the High Street. This is further emphasised by the presence of Crown Road, which passes immediately to the north of the railway line, which is traversed by a pelican crossing, thereby two pedestrian crossings within a short distance that have to be negotiated by the general public. The level crossing is a clear barrier to pedestrian movement between the two areas, is amongst the most dangerous crossings in the eastern region and is the only pedestrian crossing that features in the top 10 most dangerous in Britain. In January 2016, Network Rail gave formal notice to Thurrock Council of its intention to close the crossing, providing 3 years notice of closure.
- 3.4 The Order Land can be divided up broadly into three sections; (i) that area north of the existing pedestrian rail crossing; (ii) the pedestrian rail crossing itself; and (iii) that area to the south of the existing pedestrian rail crossing.
- 3.5 The northern section of the Order Land includes the properties at 52, 54-56, 58, 58a, 60 and 62 High Street and a small area of land which forms part of an access road owned by Morrisons as well as that section of the High Street fronting those properties.
- 3.6 The buildings are between two and three storeys and are occupied by a number of different predominantly retail operators. This section also includes a [ ] metre length of Crown Road including the pedestrian islands and taxi rank serving Grays train station.
- 3.7 The middle section of the Order Land includes the existing pedestrian level crossing and footbridge over the railway line.
- 3.8 The southern section of the Order Land includes the properties at 66, 66a and 66b High Street, 1, 2, 2a and 3 Station Approach, Station House and a section of Grays train station car park. The properties within the Order Land on the High Street and Station Approach are (with the exception of Station House) single storey and largely occupied by a mixture of retail operators, takeaways food outlets and salons. That section also includes a [ ] metre length of the High Street south of the pedestrian level crossing and an area of open green amenity space in between the Station Approach and St Peter and St Paul's Church.
- 3.9 Beyond the southern end of the Order Land lies St Peter and St Paul's Church. The church, which is Grade II listed, is set within a churchyard which is well maintained and contains a number of mature trees. This is in contrast to many

of the buildings within the Order Land fronting the High Street, which are generally in a poor condition with limited architectural value.

### **Extent and Nature of Rights**

3.10 The Order Map shows the area within which freehold and leasehold interests (including rights in land) are sought to be compulsorily acquired. The Order Map has been carefully delineated to ensure the land and rights to be acquired are only what is required to facilitate the delivery of the CPO Scheme.

3.11 As well as seeking to acquire the freehold interest in all of the land necessary to deliver the Scheme, land is also included within the CPO to secure the rights necessary to implement, construct or operate the redevelopment scheme (i.e. this would only relate to any new rights that may be required over this land, i.e. not the freehold interest).

3.12 These areas are also shown [ ] on the Order Map, and the Schedule of Interests to the Order describes the rights sought within each relevant plot.]

## **4 LAND AND INTERESTS TO BE ACQUIRED**

4.1 The CPO Schedule of Interests lists all parties with a qualifying interest in the Order Land as defined by section 12(2) of the ALA 1981 including:

4.1.1 Owners, lessees, tenants and occupiers of the Order Land.

4.1.2 Those with the benefit of rights within the Order Land or restrictive covenants that affect titles that make up the Order Land.

4.1.3 All other parties with a power to sell, convey or release an interest or right over the Order Land and any parties entitled to make a compensation claim under section 10 of the Compulsory Purchase Act 1965.

4.2 The CPO Schedule of Interests has been prepared following extensive inquiry carried out by the Council based upon information gathered through inspection of the Land Registry Title documents, site inspections and enquiries and the responses to notices issued under section 16 of the LG(MP)A 1976 and notices published on site for any unknown land owners.[ ]

4.3 Network Rail own land including land around the station and are prepared to assist in making their non -operational land available to the Council to deliver the CPO Scheme. They have confirmed that they will make all the necessary land and rights required available to the Council to deliver the CPO Scheme at nil cost to the Council. A delivery agreement has been completed between the Council, Network Rail and C2C. Any future rights required by Network Rail will be secured by agreement between Network Rail and the Council.

## **5 PURPOSE OF THE CPO AND THE CPO SCHEME**

### **Purpose of the CPO**

- 5.1 As already identified in this Statement the purpose of the CPO is to secure the assembly of the land which is required to replace the existing level railway and pelican crossings on Grays High Street, together with the creation of new/enhanced public realm and modern commercial and residential units.
- 5.2 The new underpass and associated public realm will provide a link between the northern and southern halves of the High Street which are currently severed by the railway line and Crown Road. The High Street is the main pedestrian link between the businesses and facilities of the town centre to the north of the rail line and residential areas, South Essex College and Civic Offices on the south side of the rail line. The importance of maintaining the route is reflected in pedestrian flow studies. The gates at the level crossing close to allow commercial and passenger trains to pass through and at present closure times in normal operation are between 1 and 5 minutes and can be up to 12 minutes at a time. The only alternative is for pedestrian traffic to cross the line via a steep stepped footbridge. This footbridge is not suitable for users who are mobility-impaired and at times when the crossing is closed for maintenance the footbridge has become grid-locked with users carrying pushchairs, shopping trolleys and wheelchairs over the bridge. Users tend not to use this footbridge due to the number of stairs, lack of lighting and blind spots.
- 5.3 Pedestrian flow studies show that the level crossing is the main pedestrian link between the town centre and areas to the south of the rail line with an hourly flow of 1,474 movements including many people with mobility difficulties or with young children in push chairs etc.
- 5.4 Network Rail has identified the level crossing as one of the most dangerous in the Anglian Region. The number of instances of unsafe crossings is high as the frequency and duration of closure of the crossing increases the risk of pedestrians attempting to cross without waiting for the gates to open.
- 5.5 Furthermore, Network Rail has already written to the Council to give formal notice of its intention to close Grays Level Crossing which was to be no earlier than three years from the date of a letter received on the 8th January 2016 and stated that Network Rail reserved the right to exercise at its discretion the precise date of the closure after the three-year grace period; therefore it is important to note that the likelihood of Grays level crossing being closed by Network Rail is exceptionally high.
- 5.6 Network Rail has also stated that it does not wish to maintain the stepped footbridge referred to above once the crossing has been closed. Since giving this formal notice, Network Rail has shown that it wishes to work collaboratively

with the Council to close the level crossing and replace the method of crossing the railway with a pedestrian underpass which can only be done by the Council working with Network Rail, obtaining planning permission for the scheme and utilising its CPO powers as necessary to deliver all the land required along with the cooperation between all affected parties to build the underpass.

- 5.7 In summary the new underpass will provide a safer route for pedestrians to cross the rail line and improve the connectivity between the areas to the north and south of the existing level crossing. It will also prevent increased severance to Grays town centre as a result of the closure of the level crossing.
- 5.8 Grays is the main town centre serving Thurrock and is one of six Growth Hubs in the Borough; these are the locations where the Council is working with partners and stakeholders to deliver significant levels of new housing and employment uses for the public benefit. Thurrock's Strategic Plan highlights significant growth potential in Grays and its immediate hinterland with sites identified capable of supporting 4,540 new homes and 1,650 jobs. However, it is recognised that the appearance and perception of the town is a significant barrier to securing the investment necessary to deliver these homes and jobs.
- 5.9 Grays retail function has been in gradual decline since the opening of the Lakeside Shopping Centre in Thurrock but remains an essential location for shops and services for many people in the Borough, especially those without access to private cars. The scheme will also deliver new public realm as part of a wider project to regenerate the town centre. The new public realm will provide a new and attractive focal point on the High Street as well as a space for pop-up stalls and events. This will serve to increase footfall to the High Street, supporting existing business.
- 5.10 In summary, the delivery of the underpass, its associated infrastructure and the public squares will help to:
  - 5.10.1 Address existing and immediate safety concerns identified by Network Rail;
  - 5.10.2 Prevent increased severance in the town centre as a result of the closure of the level crossing;
  - 5.10.3 Create a higher quality public realm, with public squares that can better support community events;
  - 5.10.4 Integrate public and private transport to create a genuine multi-modal hub for pedestrians and cyclists together with bus and taxi passengers; and

- 5.10.5 Allow for the redevelopment of plots around the public squares to create premises more conducive to attracting commercial and retail uses, cafés and restaurants with residential and office accommodation in upper floors.

## **The CPO Scheme**

- 5.11 The CPO Scheme is split into three sections:

### Beneath the railway and Crown Road

- 5.12 Crown Road will be re-aligned to run alongside the railway line and the new underpass will pass underneath this road as well as the railway line to provide a north/south link to the High Street as shown on drawing [ ]. The underpass that will be constructed will need to be constructed a minimum of 8m wide and will need to be at least 2.5m high. This depth of excavation has been determined by survey work carried out in conjunction with Network Rail.

### North of the railway and Crown Road

- 5.13 To the north of the railway, steps and a slope will be created to provide new pedestrian access to the High Street along with areas of landscaping. A new stepped arrangement would be provided to the land in front of the north side of the railway station to the west and new steps linking to Crown Road to the east. Regrading is required to the High Street and properties at [ ] on the western side of the High Street will be demolished.

### South of the railway

- 5.14 A larger space will be created to the south of the railway and will involve demolition of the existing single storey buildings to the western side of the High Street adjacent to the existing railway level crossing.
- 5.15 A lower levelled space will be created just south of the entrance to the underpass, forming a new public square. This square will lead to steps towards the west of the site to allow access towards the south side of the railway station, and steps to the south, which link to the existing High Street. Between the areas of steps, a large area of graded land would be created with a slope and landscaping.]
- 5.16 The existing road access to the station will be diverted to run to the south of the site and nearer the church and across part of the existing green space to the north of the church. An access to the existing buildings on the eastern side of the High Street will remain.

5.17 Full details, including plans and drawings of the proposed CPO Scheme can be found at [insert appendix [ ]]. As can be seen from these details there is a need for all the Order Land to ensure delivery of the CPO Scheme.

## **6 PLANNING**

6.1 There have been a number of pre application discussions with the Council as local planning authority for the CPO Scheme. There is an experienced technical team working together to prepare the necessary planning applications for submission and there are no technical issues that cannot be addressed through the planning application process. The application is likely to consist of a hybrid application for the CPO Scheme with details to follow. The current timetable for submission is September 2021.

6.2 *[DN: Planning consultants to set out planning history and details of current planning application/approval]*

### Public Consultation

6.3 There has been extensive public consultation in relation to the CPO Scheme that has taken place over the last five years or more which has indicated broad public support for the proposals for which the use of CPO powers is required. In February and March 2016, the Council carried out a public consultation on the Grays Towns Centre Framework which was reported to Cabinet in March 2016. At that time there was broad support for the overall approach set out in the Framework which included improvements to the town centre and station. Respondents were asked for their views about using Council owned land to support delivery of regeneration projects and again there was broad support for the use of the Council's land for this purpose. A further public consultation on the emerging design approach for the underpass was carried out in February to March 2020 the result of which was that the vast majority of the respondents were generally in support of the CPO Scheme.

6.4 Further Public Consultation is planned in the next design phases to inform the overall design of the CPO Scheme with a further public consultation which will take place as part of the process of the submission and consideration of the planning application(s).

## **7 NEGOTIATIONS FOR THE ACQUISITION OF INTERESTS**

7.1 Network Rail and Thurrock Council own approximately two thirds of the land required to deliver the proposals. The remaining land and interests required to deliver the CPO Scheme is held by a number of third parties and will need to be acquired. The Council has been since early 2019 and is seeking to negotiate with each qualifying person to acquire their interests in the Order land required under the CPO in order that compulsory acquisition can be avoided. Attempts

to acquire interests are ongoing and will continue alongside and throughout the CPO process, up to actual possession of the Order Land should the CPO be confirmed.

7.2 Given that one of the main purposes of the CPO is to deliver the underpass there have been ongoing discussions with Network Rail with regard to the delivery of all of the land necessary to construct and deliver the CPO Scheme and these discussions will continue in conjunction with the CPO process.

7.3 In respect of land in known ownership, the Council has written to the following freeholders on 22 February 2019 whose property is within the Order Land boundary:

7.3.1 52 High Street

7.3.2 54-56 High Street

7.3.3 58 and [58a] High Street

7.3.4 60, 60a, 60b High Street

7.3.5 62 High Street

7.3.6 Morrisons (in connection with their ownership of part of Crown Road and the rear of 60 High Street)

7.4 That letter set out the background to the CPO and its benefits and confirmed that their property forms part of the area identified for the delivery of the CPO scheme and suggested an initial meeting to discuss any future acquisition of the property. At that time, it was confirmed that the overall design of the CPO Scheme had yet to be finalised, but the intention was to complete acquisitions by March 2020 with CPO Scheme completion in June 2022 or earlier if possible. The letter stated that the Council would pay full market value for the property and legal costs for transferring the interest and made it clear that there was no obligation to sell at that time.

7.5 A second letter was sent to the above freeholders and also the leaseholders or occupiers (where no leaseholder was known) on 13 November 2020. The Council also wrote to the long-leaseholder of 66 -66b High Street and 1-3 Station Approach which is owned by one individual and sublet to a number of retailers. On the same date the Council also wrote to owners and leaseholders or occupiers of the following properties where we considered rights benefitting their property may be affected by the CPO Scheme:

7.5.1 34-36 High Street

7.5.2 38 High Street

7.5.3 40-42 High Street

7.5.4 44 High Street

7.5.5 46-48 High Street

7.5.6 55-57 High Street (the Health Centre)

7.6 The letter to the freeholders and leaseholders/occupiers now provided an update as to the current status of the proposed CPO Scheme and confirmed an intention to acquire interests (outright or by option) by March 2021 and to complete the underpass by June 2023. The letter invited engagement with the possibility of an acquisition.

7.7 A further letter was sent on 8 April 2021 to the occupiers of 66-66b and 1-3 Station Approach outlining the CPO Scheme programme as per the previous letters to the above freeholders and offering an initial meeting to discuss how their business might be affected in the future.

7.8 To date discussions are ongoing with the freeholder/leaseholders of the above properties. However, no terms for any acquisition of their interests have been agreed.

7.9 *[DN: ME to provide update nearer to actual making of CPO and further details on how negotiations with the various freeholders and leaseholders are going just prior to publication of this statement of reasons.]*

## **8 JUSTIFICATION FOR USE OF COMPULSORY PURCHASE POWERS**

8.1 With regard to the justification needed to support a CPO, the Guidance states that in deciding whether or not to confirm an order under section 226(1)(a) of the 1990 Act, the decision will be made on its merits and the Secretary of State will consider the following:

8.1.1 Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area, and where no up-to-date Local Plan exists, the draft Local Plan and the 2019 National Planning Policy Framework (NPPF);

8.1.2 The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;

8.1.3 The potential financial viability of the CPO Scheme for which the land is being acquired, source of funding, general funding intentions and the timing of available funding, and that there is a reasonable prospect of the Scheme going ahead;

- 8.1.4 Whether the purpose for which the authority is proposing to acquire the land could be achieved by any other means;
- 8.1.5 Any legal or physical impediments to implementation of the CPO Scheme;
- 8.1.6 The purposes for which the compulsory purchase order is made and whether they justify interfering with the human rights of those with an interest in the land affected: and
- 8.1.7 Whether there is a compelling case in the public interest to make the CPO.

8.2 These are each considered below in relation to the CPO and CPO Scheme.

**Whether the purpose for which the land is being acquired fits in with the adopted planning framework**

- 8.3 The NPPF supports sustainable development that contributes to a strong economy and strong vibrant communities. The planning process is expected to support and promote the vitality and viability of town centres as the heart of the community.
- 8.4 The NPPF says that applications for development should give priority first to pedestrian and cycle movements, both within a scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. It also says that applications should address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- 8.5 The NPPF also emphasises the importance of town centres and the need to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 8.6 In terms of local policy, using an underpass as an alternative to the level crossing was first identified in the Grays Town Centre Master Plan published by the Thurrock Thames Gateway Development Corporation in March 2009 and was provided further detail in Grays Town Centre North Design Brief in October 2009 and the South Grays and Grays Riverside Design Brief in June 2010.
- 8.7 The Economic Growth Strategy adopted by the Council in February 2016 identifies Grays as one of 5 (now 6) economic growth hubs where regeneration activity will be focussed.

- 8.8 The Council's Local Plan Core Strategy was adopted in December 2011. Following a focussed review of some policies an amended strategy was adopted in January 2015.
- 8.9 The Core Strategy identifies Grays as a Growth Hub where regeneration activity will be concentrated (Policy CSSP1 and CSSP2). Paragraph 3.29 to 3.33 set out the Council's vision for the Grays Regeneration Area as a focus for growth in jobs and homes, and for civic functions, culture and education and including a new transport zone around the rail station including an improved crossing of the rail line.
- 8.10 Policy CSTP7 of the Core Strategy identifies Grays as the District Centre with substantial new development potential. Policy CSTP8 addresses the viability and vitality of town centres and emphasises the importance of improving accessibility for pedestrians and to public transport, improving the quality of the environment, and improving public safety. Policy CSTP14 identifies the importance of delivering a coordinated transport network including cycle and pedestrian routes, particularly within the growth hubs and with a focus on access to employment, education and transport facilities; with Grays rail station identified as a transport interchange, including the implementation of the Transport Zone.
- 8.11 In July 2013, following substantial public consultation, the Cabinet agreed a vision for Grays;

*“Building on its strengths as a Chartered Market Town, Grays will be an exciting, high quality destination for people to live, work, learn, shop and socialise. Reconnected to the River Thames, Grays will support growing resident, student and business communities throughout the day and entertain a diverse and vibrant population through the evening.*

*Cafés, bars, restaurants, shops and markets will combine with culture, entertainment and events in unique venues to provide a safe and attractive place for communities to meet and businesses to thrive.”*

*The strategy will revitalise the town centre by;*

1. *Building a local economy based on:*
  - *Markets, convenience and specialist retail, cafes, leisure and events during the day;*
  - *Entertainment, culture and places to eat and drink during the evening;*
  - *Maximising the benefit to the town centre from opportunities to develop high quality housing and commercial buildings; and*
  - *Creating space for businesses to grow.*
  
2. *Make it easier to travel in to and move around the town centre by:*

- *Enhancing the rail crossing-providing a high-quality underpass;*
- *Re-establishing the connection between the town centre and the River Thames;*
- *Improving road, bus, cycle and pedestrian links in to and around the town centre; and*
- *Enhancing the transport interchange around the rail station.*

3. *Enhancing the quality of the public realm by:*

- *Creating public squares and greener spaces;*
- *Creating active spaces for markets, street cafes, and events; and*
- *Taking advantage of the river frontage*

4. *Supporting Thurrock's communities by:*

- *Creating opportunities for Community activities and Pop up uses; and*
- *By ensuring that regeneration activity meets the needs of local communities.*

8.12 In 2015/16 Urban Initiative Studios drafted a development framework for Grays. The process included a series of stakeholder workshops and in January/February of 2016 a public consultation; 72% of respondents supported or strongly supported proposals for an underpass and 85% supported the broader approach to the town centre and station area. The Council's Cabinet approved the framework in March 2016.

8.13 In 2017 the Council published an updated development framework for Grays; the "Grays Town Centre Framework Refresh" document. That updated framework listed improvements to the pedestrian experience around Grays train station as a priority project, stating:

*"One of the most important ambitions of this framework is to create an attractive gateway for the town around the train and bus station. This should:*

- *Provide an underpass that brings the town centre and riverside closer together and helps overcome the historic segregation caused by the railway line;*
- *Enable the comprehensive remodelling of the built environment around the station to create a better arrival experience and improved bus and rail interchange;*
- *Create new public spaces to the north and south of the tracks; and*
- *Provide new mixed-use buildings with new retail floorspace to enliven and define the Grays Station Gateway."*

- 8.14 The Council adopted the current local Transport Strategy in 2013 to support the delivery of the delivery of the adopted core strategy. Policy TTS1 Delivering Sustainable Growth supports the formation of a Transport Zone around Grays Rail Station including an improved means of crossing the rail line. The proposed underpass will therefore directly support this policy.

**The extent to which the CPO Scheme will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area**

- 8.15 The Council considers that the land and new rights proposed to be compulsorily acquired will facilitate the redevelopment of the Order Land in a manner which will positively contribute to the improvement of the economic, social and environmental well-being of the locality and the wider Borough. The key benefits from the CPO Scheme are summarised below.
- 8.16 Social – The improved pedestrian crossing and associated public realm enhancements would contribute positively to the identity of Grays, enhancing civic pride, and would provide a new and more attractive place for people to meet.
- 8.17 The proposed commercial, retail, leisure would increase employment opportunities, and enhance accessibility to an improved range of goods. Housing demand in the area continues to outstrip supply and more houses are required to meet future demand. The infrastructure being developed to support the underpass will require the demolition of some of the surrounding properties. As a result of this, the project provides the opportunity for these commercial properties to be rebuilt to encompass residential units above commercial/ mixed use units. This will allow for 84 new homes to be built on the site of the project, adding to Thurrock's housing supply. The new housing would provide for a sense of community in the Town Centre and would provide greater housing choice. The flexibility in uses which will be delivered through the planning application will enable the Town Centre to adapt and meet future requirements for change that may be required by the general economy. In a wider sense this would help to bolster the Town Centre, enabling it to flex to meet further identified needs and protect it from future decline.
- 8.18 In summary the main social benefits are:
- 8.18.1 Pedestrian flow improvements. Footfall has generally been in decline in Grays town centre over the last few years has not been helped by the rail line with its high frequency of trains and crossing closures. This has remained a substantial barrier to pedestrian movement between the High Street and the main civic and education uses to the South.

- 8.18.2 Increased access to commercial, retail, leisure and cultural opportunities from residential areas south of the railway line;
  - 8.18.3 Increased access to the civic centre, college, church and waterfront from areas north of the railway line;
  - 8.18.4 Public realm enhancements for the benefit of all users; and
  - 8.18.5 In summary the new underpass will aid safe pedestrian movement and freer pedestrian flow at all times of the day and evening.
- 8.19 Environment – The redevelopment of the Order Land provides a major opportunity to enhance the townscape and to improve links within Grays Town Centre and the immediate environs. Development of the Order Land will also enable a scheme of regeneration for the area, ensuring it is developed in a form which creates a distinctive character and enhanced arrival experience from the train and bus station. It will also replace an existing dangerous pedestrian crossing with a safe one. In summary the main environmental benefits are:
- 8.19.1 Creation of new and enhanced public realm connecting the northern and southern sections of the High Street and enhancing the quality of the High Street itself, with new areas of publicly accessible space;
  - 8.19.2 New paving, landscaping and pathways will enhance the permeability of the new crossing linking the different parts of the town centre historically segregated by the railway line; and
  - 8.19.3 The removal of a dangerous existing pedestrian crossing and its replacement with a safer one will provide a better environment for all users.
- 8.20 Economic – In economic terms, the CPO Scheme offers an opportunity to bring vitality and enhance the vibrancy of the town centre. Grays has been in general decline since the opening of Lakeside shopping centre which also highlighted its lack of good quality retail space and the need to explore ways of improving this through a suitable development opportunity. A recent study in 2018 highlighted that poor public realm was a key factor which impacted town centre footfall and spend. In comparison with other comparator areas such as Barking town centre and Southend a “Walkscore of 87/100 was identified when it should be aiming for a Walkscore of 90-100 which could be described as “walkers paradise.” The main issues preventing the high score was the difficulty of navigating the pedestrian routes into parts of the town centre and the severance cause by the rail crossing.
- 8.21 Economic activity will be generated during the construction phase by local employment and activity. Once complete, the new underpass and public realm

will increase mobility and footfall to the High Street and support existing and future businesses. In summary the main economic benefits are:

8.21.1 Contribution to economic activity through increased employment and expenditure from construction and use of the development;

8.21.2 Contribution to economic growth through increased employment and expenditure in existing retail and leisure units from a rise in foot fall on the High Street; and

8.21.3 There will be a new mix of commercial, retail uses as well as new housing which will enhance the attractiveness of the town centre and bring in new footfall which will support its economic viability.

8.22 Therefore, the proposed development is a significant opportunity for economic, social and environmental improvements which can help achieve the broad goals of sustainable development and also help in the wider regeneration of the area.

**The potential financial viability of the CPO Scheme, source of funding, general funding intentions and the **timing** of available funding and that there is a reasonable prospect of the CPO **Scheme going ahead****

8.23 There must be evidence of the necessary funding to ensure the scheme can be delivered in order for the CPO to be successful. In July 2020 the Council approved budget costs for the delivery of the CPO Scheme of £27.4m and has sought further approvals for the funding of the CPO Scheme. The cost benefit analysis shows that whilst the costs are considerable the overall benefits of the CPO Scheme are justifiable in terms of the overall public benefit and where required additional funding can be secured.

8.24 The development receipts for the Council are derived from the surpluses anticipated through the development of plots created through the project, together with the linked development of other plots that the Council owns within the town centre but outside of the immediate project area. The Council will take the financial risk on these developments and is anticipating bringing them forward through its wholly owned development company, Thurrock Regeneration Limited which would secure greater returns than would otherwise be achieved through the disposal of the sites directly to the market. Any shortfall in funding will be funded by the Council.

8.25 *[DN: Council to provide update on current funding position and potential viability of cpo scheme prior to finalising this Statement]*

8.26 *[The Council has received independent advice on the Scheme proposals, costs, values and deliverability. The advice received confirms that the funding strategy*

*is considered to reflect realistic and reasonable assumptions and that the Scheme has a good prospect of being viable and deliverable.]*

**Whether the purpose for which the land is to be acquired could be achieved by other means**

- 8.27 The Council has carefully considered whether the purpose of the CPO could be achieved by other means. The Council considers that there is no reasonable alternative to the underpass as a safe and direct link between the town centre and Grays south. It is also necessary to place the underpass where it is proposed in order to achieve the overall purpose of safety while delivering a number of associated benefits.
- 8.28 The main alternative route to this underpass is located c175 metres to the east via Derby Bridge Road. This alternative would take people away from the clear desire line along High Street; it would effectively by-pass many of the businesses in the High Street because one has to walk to Clarence Road before returning to the High Street. Also, this is the main road route into Grays South and so is a less desirable and less safe pedestrian route than the High Street.
- 8.29 The reduced accessibility of utilising any of the alternative available crossings would impact on businesses located north of the rail crossing who are likely to see less passing trade and on people living and working on the south side that have less accessibility to town centre facilities.
- 8.30 Bridge alternatives have also been considered, but the height clearances over the rail line would require a bridge that was effectively higher than the depth required for the underpass. Therefore, longer ramps would be required to provide the same level of accessibility. A bridge also provides less flexibility in the ways in which access can be arranged when compared to an underpass.
- 8.31 Alternative underpass arrangements were also considered within the current building lines to minimise the land required. These resulted in long narrow tunnels that by passed many of the commercial units in High Street and which would have created dark and unwelcoming passages not conducive to the social, environmental and economic improvement of the area.
- 8.32 The proposed design approach allows for an open and welcoming underpass with associated public realm improvements and also minimises the land required by including a local diversion of the line of Crown Road which also has the benefit of reducing the length of tunnel section.
- 8.33 In order to achieve the full benefits of the CPO Scheme it is essential that all of the remaining third-party land interests are brought into one ownership and the entirety of the Order Land is made available for re-development.

- 8.34 The Council has also carefully considered the need for the land and rights included in the Order Land. All land and rights included within the Order are required to deliver or construct the CPO Scheme.
- 8.35 The Council is satisfied that it has taken all reasonable steps that it can in the lead up to the CPO to acquire the land required by negotiation, and it continues to negotiate with third party landowners.
- 8.36 Following reasonable attempts which have already been undertaken, the Council acknowledges that it is unlikely that all of the land required for the CPO Scheme will be acquired in a timely manner. Accordingly, the Council is satisfied that this Order is now necessary to secure the redevelopment of the Order Land.]
- 8.37 In summary, the Council is satisfied that the purpose for which the land is to be acquired could not be achieved by means other than the compulsory purchase of the Order Land.

### **Legal or physical impediments to the implementation of the Order Scheme**

- 8.38 The key issue affecting the delivery of the CPO Scheme relates to land ownership. Whilst the Council is working to ensure the land required for the CPO Scheme is assembled, to date it has not been possible to enter into agreements with all owners and those with interests in the Order Land. Negotiations will continue with affected parties with a desire to conclude acquisition by agreement, but without the certainty of land assembly through the compulsory purchase process, the CPO Scheme will not be realised.
- 8.39 *[The Planning Permission(s) that apply to the Order Land will provide certainty that what is proposed is acceptable in planning terms. Construction of the CPO Scheme can start on the Order Land within a reasonable period of time following assembly of the land.][DN: To include - is Order to be made after planning consent is obtained?]*
- 8.40 *[As noted at above, funding is in place to help to deliver the CPO Scheme and other than the need to acquire the land and third party rights not currently within Network Rail or the Council's interest, the Council considers that there are no impediments to the CPO Scheme proceeding.][DN: To include if confident that sufficient funding is in place. If not, to comment on and address the issue of funding and Network Rail's position].*

### **Human Rights and Equalities**

- 8.41 The Human Rights Act 1998 requires that every public authority must act in a manner that is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”).

8.42 Relevant parts of Article 1 of First Protocol of the Convention provide:

*“Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “[no] one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ...”*

8.43 Relevant parts of Article 8 of the Convention provide:

*“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.*

*(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ...the economic well-being of the country...”*

8.44 Relevant parts of Article 6 provide that:

*“In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*

8.45 The Council has considered alternatives to the CPO Scheme but has determined that the purpose for which the Order Land is to be acquired could not be achieved by means other than by the compulsory purchase of the Order Land, which will interfere with rights held by owners and occupiers of the Order Land. Such interference is justified through the Council's use of its powers under section 226(1) (a) of the 1990 Act.

8.46 The proposed regeneration of the Order Land through the CPO has been publicised extensively and consulted upon by the Council. Third parties likely to be affected by the proposals have been offered several opportunities to make representations to the Council. Any owner, lessee or occupier of land included within the Order Land would have the opportunity to make a representation or objection to the Council, and to appear at a public inquiry before a decision is made as to whether or not the CPO should be confirmed.

8.47 If the CPO is confirmed, notwithstanding the provisions of Article 1 of the First Protocol and/or Article 8 of the Convention, adequate provisions are in place to compensate those affected. The Council also considers that use of compulsory purchase powers in order to bring about the Scheme is proportionate to the interference with human rights, particularly in light of the statutory compensation available.

8.48 Having regard to the provisions of the Town and Country Planning Act 1990, the Local Government (Miscellaneous Provisions) Act 1976 and the Guidance,

the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment or improvement and will make a positive contribution in the promotion of the economic, social and environmental well-being of its area.

8.49 Without the use of these powers, the much-needed delivery of the improved pedestrian access is unlikely to be achievable either at all or within any reasonable timescale. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions. The Council is therefore satisfied that the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected.

8.50 The Council has also had due regard to its obligations under section 149 of the Equality Act 2010, and has carried out an Equalities Impact Assessment in June 2021 which has found the CPO will enable a scheme that is likely to have a positive impact on reducing inequalities.

### **Public Interest**

8.51 There is a pressing need for the CPO Scheme on the grounds of public safety as far as the rail crossing is concerned. Network Rail has identified the existing crossing as one of the most dangerous in the region. While there have been no serious accidents, there has been a large number of incidents whereby people are jumping the station crossing gates when they have closed or jumping from the station platforms to leave the station directly via the level crossing.

8.52 The crossing will also become a greater barrier and hazard to pedestrian movement over time as rail traffic will increase significantly. As London Gateway grows, there will be a significant rise in the number and length of commercial trains using the rail line. Consequently, the crossing will be closed for much longer periods of time and more frequently in the future.

8.53 The Scheme will allow for safe and unimpeded pedestrian access along the High Street, whilst attractive additions to the public realm which will enhance the local environment and improve links to the wider area. It will also generate significant benefits to both the local area improving the vibrancy and connectivity of the High Street and the arrival experience at the transport hub of the train and bus station. This will help drive the social, environmental and economic benefits identified above.

### **Conclusion**

8.54 The Council considers that there is a compelling case in the public interest that the Order Land be compulsorily acquired in order to achieve the purposes set out in the CPO and described in further detail in paragraphs [ [ ] to [ ] ] (inclusive) of this Statement of Reasons.

8.55 Add further conclusions when more details emerge of scheme.

## **9 ANY SPECIAL CONSIDERATIONS AFFECTING THE LAND**

9.1 The Order Land includes land in which statutory undertakers and Network Rail have an interest, as set out in the Schedule to the CPO.

9.2 The Order Land is adjacent to St Peter and St Paul's Church, which is Grade II listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

9.3 [A group of trees adjacent to Grays station but within the Order Land are subject to Tree Preservation Orders and therefore have local amenity value] *[DN: To be considered and addressed as part of any planning application. Consent not required to remove trees if they're removal is required to carry out development authorised by planning consent.]*

9.4 *[DN: To add any other special considerations/ update once position on planning consent clarified].*

## **10 DETAILS OF ANY RELATED ORDER, APPLICATION OR APPEAL WHICH MAY REQUIRE A CO-ORDINATED DECISION**

10.1 The underpass and steps and ramps span across Crown Road which is an adopted public highway. The Council has advised they are required to approve and manage temporary diversions during the temporary and permanent works required to deliver the CPO Scheme.

10.2 Intention to move Crown Road – diversion procedure plus Station Approach

10.3 The stepped footbridge, whilst not recorded by the Council as a public right of way, is considered to be a public footpath. The footbridge was provided as a replacement of an existing public footpath structure under the British Transport Commission Act 1958. Possible options to close this are an Order under s. 118 Highways Act 1980; or a magistrate's court order under s. 116 Highways Act 1980.

10.4 *To insert details of any further Stopping Up Orders etc. that be required in respect of Crown Road and Station Approach once final scheme design is known]*

## 11 CONCLUSIONS

- 11.1 Given the progress made to date in assembling the required land, and the financial viability information provided, the Council is confident that it has the acumen and resources to both complete the necessary land assembly and to implement the proposals relating to the CPO Scheme.
- 11.2 The Council has set out above its detailed reasons for making the CPO. In summary these reasons are as follows:
- 11.2.1 The Council thinks that the proposed CPO Scheme will facilitate development which is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area, and further details of these are set out in preceding sections;
- 11.2.2 The CPO Scheme will deliver an improvement in pedestrian safety removing a crossing that Network Rail as a major stakeholder has deemed to be a high-risk site for misuse. Without a CPO and the associated funding, the level crossing would be closed and not replaced, and the existing footbridge would be removed. This would have a negative impact on Grays Town Centre for several reasons.
- 11.2.3 The Council considers that there are no impediments to delivering the CPO Scheme if the CPO is confirmed;
- 11.2.4 There are no likely impediments to the planning permission for the CPO Scheme to be granted. The CPO Scheme has been planned over several years and been subject to Network Rail's internal processes and other related consents for the Scheme have been or are capable of being granted];
- 11.2.5 [There is funding in place to deliver the Scheme to ensure that it is viable]; and
- 11.2.6 The CPO Scheme satisfies the test set out in the Guidance;]
- 11.3 Having considered relevant National Planning Policy, Guidance and Local Plan Policies the Council is satisfied that there is a compelling need in the public interest for compulsory purchase powers to be sought in order to secure the development, redevelopment or improvement of the Order Land by way of the delivery of the Scheme for the economic, social and environmental improvement of this part of the Borough of Thurrock. [The Council has therefore made the CPO and asks the Secretary of State to confirm the Order.]

## **12 ADDITIONAL INFORMATION FOR PERSONS AFFECTED BY THE ORDER**

- 12.1 The Council will make the CPO and associated documents available on its website at [ ]. To obtain further information or planning-related enquiries contact [ ] or you can write to Thurrock Borough Council.
- 12.2 Owners and occupiers affected by the scheme who wish to negotiate or discuss details of the CPO including selling your property or interest and matters of compensation should contact the Council's surveyor dealing with the CPO: [Montagu Evans details]

## **13 RELEVANT DOCUMENTS FOR ANY PUBLIC INQUIRY**

- 13.1 The Council intends to refer to, or put in evidence, the documents (or relevant extracts from those documents) which are listed below. The Council reserves the right to refer to or adduce additional documents.

13.1.1 Compulsory Purchase Order (including CPO Schedule).

13.1.2 CPO map[s].

13.1.3 [Relevant reports to and resolutions/decisions of the Cabinet and Council]

13.1.4 [Planning application, supporting documents and related committee reports]

13.1.5 Thurrock Transport Strategy (2013)

13.1.6 Thurrock Local Plan Core Strategy (January 2015)

13.1.7 Grays Development Framework (March 2016)

13.1.8 Grays Town Centre Framework Refresh (2017)

13.1.9 NPPF 2019

13.1.10 Relevant extracts from the NPPG

13.1.11 Correspondence from Network Rail dated 8 January 2016

13.1.12 Equalities Statement